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CMP.Nos.16757, 16758 & 16881 of 2025 in A.S.No.242 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP.Nos.16757, 16758 & 16881 of 2025
in
A.S.No.242 of 2019

1. Murugan (died)
2. Selvam

... Petitioners /
Appellants in all CMPs

Vs.

1. Lalitha
2. Dhanalakshmi
3. Chitra
4. Sanguthala

... Respondents /
Respondents in all CMPs

5. Mrs.M.Sumathi
6. Mr.Saravanan
7. Mrs.M.Revathi

... Respondents /
Proposed respondents 5 to 7
in all CMPs

PRAYER IN CMP.No.16757 of 2025 : This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 85 days in filing petition to set aside the abatement caused due to the death of first appellant Mr.Murugan in the above first appeal in A.S.No.242 of 2019.



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PRAYER IN CMP.No.16758 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 9 (2) of Code of Civil Procedure, 1908, praying to set aside the order of abatement of appeal filed by the deceased first appellant Mr.Murugan in the above first appeal in A.S.No.242 of 2019.

PRAYER IN CMP.No.16881 of 2025 : This Civil Miscellaneous Petition filed under Order XXII Rule 3 of Code of Civil Procedure, 1908, praying to permit the petitioner to bring on record the respondents 5 to 7 as respondent No.5 to 7 as being the legal representative of the deceased first appellant in the above first appeal in A.S.No.242 of 2019.

For Petitioner : Mr.R.Baskar in all CMPs

For R2 to R7 : Notice served. No appearance

COMMON ORDER

CMP.No.16757 of 2025 has been filed to condone the delay of 85 days in filing petition to set aside the abatement caused due to the death of first appellant Mr.Murugan in the above first appeal in A.S.No.242 of 2019.

2. CMP.No.16758 of 2025 has been filed to set aside the order of abatement of appeal filed by the deceased first appellant Mr.Murugan in the above first appeal in A.S.No.242 of 2019.



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3. CMP.No.16881 of 2025 has been filed to bring on record the respondents 5 to 7 as respondent No.5 to 7 as being the legal representative of the deceased first appellant in the above first appeal in A.S.No.242 of 2019.

4. Heard Mr.R.Baskar, learned counsel on record for the petitioners. Despite name printed in the cause list, the respondent Nos.5 to 7 did not choose to appear and contest the appeal suit.

5. This Court has perused the case file. It is seen that the first appellant / Murugan passed away on October 31, 2024 leaving behind respondent Nos.5 to 7 as his legal heir(s) / legal representative(s) of the deceased first appellant / Murugan.

6. Upon being satisfied with the reasons stated in the affidavits filed in support of these petitions and also considering the submissions made by the learned counsel on record for the petitioners, this Court is inclined to allow these petitions. Accordingly, these civil miscellaneous petitions are allowed without costs.

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22.08.2025

Note: Registry is directed to carry out the amendments in the appeal papers.

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R.SAKTHIVEL, J.

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in
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22 / 08 / 2025

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